

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3014 of 2015

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 15.12.2014 passed by the learned I Additional Junior Civil Judge, Tanuku, in I.A.No.555 of 2014 in O.S.No.130 of 2008. The said I.A. was filed by the petitioner herein, the first plaintiff in the suit, and the other plaintiffs under Section 151 CPC to re-open the case for their evidence. The trial Court dismissed the I.A. Aggrieved thereby, the petitioner/first plaintiff is before this Court.

Perusal of the order under revision demonstrates that the plaintiffs in the suit failed to adduce evidence on the various dates mentioned. It appears that an adjournment was granted in this regard on costs but, despite the same, the plaintiffs failed to avail the opportunity or pay the costs. The plea of the plaintiffs that owing to Samaikyandhra agitation, steps could not be taken for completion of their evidence was not accepted as the trial Court was of the opinion that 24.03.2014 was not the day of the agitation. As the plaintiffs failed to abide by the conditional order and as the case related to the year 2008, the trial Court was of the opinion that in the interest of justice, the case should go on and it could not be re-opened for the evidence of the plaintiffs at that late stage. The I.A. was accordingly dismissed.

Sri T.V. Jaggi Reddy, learned counsel for the petitioner/first plaintiff, produced a typed copy of the docket proceedings in the suit. Perusal thereof reflects that the suit was coming up for trial from 18.01.2012 and it was only on 10.09.2012 that P.W.1 was examined for the first time. The various dates indicated thereafter reflect that several adjournments were granted to enable the plaintiffs to go on with their evidence. On 15.04.2014, the matter was adjourned subject to payment of costs. However, the costs were not paid. Again, the plaintiffs were called absent on 29.04.2014 and there was no

representation on their behalf. It was under these circumstances that the trial Court closed the plaintiffs' evidence. It is now stated that the evidence of the defendant has also been completed and the matter is coming up for arguments.

Though Sri T.V. Jaggi Reddy, learned counsel, would plead that the plaintiffs are entitled to an opportunity at this stage to mark a crucial document in evidence, this Court is of the opinion that the order passed by the trial Court does not warrant interference on facts or in law. It is for the parties to be diligent in prosecuting their case. Continued negligence on their part cannot be condoned without just cause. In the present case, though it is stated that the Samaikyandhra agitation was the reason as to why the plaintiffs could not proceed with the trial, there is no material to substantiate the same or that the Court proceedings were adversely affected on each and every day that the matter was adjourned to for the plaintiffs' evidence. The carelessness on the part of the plaintiffs in prosecuting their case therefore cannot be set at naught to the prejudice of the other side and the interest of justice. As rightly pointed out by the trial Court, the suit is of the year 2008 and there is no reason as to why the said litigation should be protracted unnecessarily owing to a situation of the plaintiffs' own making.

The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

8th September, 2015
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